

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:15CR321
)	
Plaintiff,)	
)	AMENDED
vs.)	TENTATIVE FINDINGS
)	
JOSE ALBERTO HERNANDEZ-ORTIZ ,)	
)	
Defendant.)	

The Court has received the Presentence Investigation Report and Addendum ("PSR"), and the government's objection to the guideline level calculated by the drug quantity amount (Filing No. 120). The Defendant has also expressed the same objection as the government in addition to other objections (Filing No. 121). See Order on Sentencing Schedule, ¶ 6 (Filing No. 107). The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The government's Objection to Presentence Investigation Report and Plaintiff's Statement (Filing No. 120) and Defendant Hernandez-Ortiz's Objection to Presentence Investigation Report (Filing No. 121) will be heard at the sentencing hearing;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 25th day of August, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge